

REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-45 are currently active in this case. Claims 30-45 have been added, by way of the present amendment. Each new claim is supported by the specification and claims as originally submitted and no new matter has been added.

In the outstanding Official Action Claims 1-3, 6-8, 10-15, 19-22, 25, 27, and 29 were rejected under 35 U.S.C. §102(e) over *Shieh* (U.S. Pat No. 6,591,098); and Claims 4, 5, 9, 16-18, 23, 24, and 28 were rejected under 35 U.S.C. §103(a) over *Shieh* in view of *Linden* (U.S. Pat No. 6,549,773).

Applicants respectfully traverse the rejections of Claim 1 and 20 under 35 USC 102(e) as being anticipated by *Shieh*. Claim 1 recites:

1. (Original) A method for managing network activation with a carrier and registration with a service provider, the method comprising:
determining a network activation status with the carrier;
if not activated, performing network activation procedures;
determining a registration status with the service provider;
if not registered, sending a request to a server of the service provider for a registration file configured to gather user registration information;
receiving the registration file from the server; and
executing the registration file.

However, *Shieh* fails to teach or suggest similar subject matter.

Applicants respectfully note that *Shieh* describes a method of activating a SIM based mobile device in a wireless network. To that end, *Shieh* describes several embodiments, each of which include a common procedure in which a temporary ID number is retrieved by the network, and, based on the temporary ID number, activates a particular Over The Air Activation Procedure (OTAP). Applicants also respectfully note that *Shieh* describes mechanisms for communicating between the OTAP and the mobile device (e.g., OTA activation messages).

However, *Shieh* does not describe determining registration status with a service provider or determining network activation status with a carrier. In contrast, Claim 1 specifically recites "***determining network activation status with the carrier,***" and "***determining registration status with the service provider.***"

Applicants respectfully traverse the assertion in the outstanding Office Action that states "*Shieh* inherently teaches (Applicants claimed invention)." As a preliminary matter, Applicants respectfully note that a 102 rejection requires that each element of the claimed invention be present in the reference. However, after extensive review, Applicants have been unable to find any reference in *Shieh* to determining either network activation status or service provider status.

Applicants admit that *Shieh* describes a framework for executing a network activation. As described by *Shieh*, *Shieh's* framework may be utilized for many different activation procedures (e.g., procedures for different networks). As such, *Shieh's* described technology might conceivably be used to invoke applicants method for managing network activation. However, that *Shieh* might provide such a framework, does not mean that *Shieh* teaches, either specifically or inherently, Applicants Claimed invention.

Therefore, Applicants respectfully submit that Claim 1 cannot be anticipated by *Shieh* because *Shieh* fails to teach or suggest subject matter specifically claimed in Claim 1. Claim 20 is a computer readable media claim that includes steps executed by a computer that carry similar patentable weight as the steps in Claim 1. Accordingly, Applicants respectfully submit that both Claim 1 and Claim 20, and dependent Claims 2-10, and 21-29 are patentable over *Shieh*.

Applicants further respectfully traverse the rejection of Claim 8 as being anticipated by *Shieh*. In particular Applicants respectfully note that *Shieh*, col. 4, lines 35-56, describes a framework for activation of a mobile device. However, *Shieh* does not describe use of a plug-in device tailored to a particular carrier. In fact, *Shieh*'s described framework is not tailored for any carrier, because *Shieh*'s framework is generic to the carrier (*Shieh* provides a framework in which purports to support execution of any carrier's OTAP). The OTAP is the network/providers activation procedure which communicates over the air to the mobile device. Therefore, by definition, the OTAP is not a plug-in device. Further, the OTAP is a specific procedure for a carrier/service provider, but is not a plug-in tailored to the carrier/service provider. Accordingly, Applicants respectfully submit that Claim 8 is further distinguished over *Shieh*.

Applicants respectfully traverse the rejections of Claim 11, and dependent claims 12-19 as being anticipated by *Shieh*. Claim 11 recites:

**11. (Original) A generic framework for network activation and registration comprising:
a generic driver device configured to manage network activation procedures and registration procedures; and
a plug-in device configured to initiate registration procedures based on commands received from the driver, wherein the plug-in device is tailored to a particular service provider.**

However, *Shieh* fails to teach or suggest similar subject matter. In particular, *Shieh's* framework describes a mobile device activation procedure that utilizes a OTAP which is not a plug-in tailored to a specific service provider. Applicants respectfully traverse any assertion that would equate an OATP with a plug-in device because a plug-in device is a component that enhances functionality of another component. In Claim 11, the plug-in device enhances functionality of the registration method of Applicants claimed generic framework by receiving and acting on commands from a generic driver device. At the same time, the plug-in is tailored to a specific service provider, making the generic driver device operable with the specific service provider.

Applicants admit that *Shieh* provides a generic framework in which various OTAP procedures may be executed. However, in the case of *Shieh*, the OATP procedures are specific programs for a service provider, and, *Shieh's* framework only provides the ability for the OTAP to execute. In contrast, Applicants claimed framework uses a generic driver combined with a specifically tailored plug-in. Further, *Shieh's* framework is only generic in the sense that it allows an assortment of OATP's to be invoked within *Shieh's* framework. However, Applicants framework is generic in the sense that activation and registration procedures themselves are tailored to a wide variety of providers by using an appropriate plug-in to tailor the generic driver device.

A further distinction, *Shieh's* OATP's execute on a remote server that communicate (over air) with the mobile device being activated. However, as in, for example, Claim 12, the Applicant's generic driver and plug-in device are resident on a personal data assistant, and are not executed remotely.

Accordingly, Applicants respectfully submit that Claim 11 and dependent Claims 12-19 are also patentable.

Applicants have submitted new claims 30 – 45 herewith. Each of the new Claims are ultimately dependent on original Claim 1 and are respectfully submitted as being patentable for the same reasons noted above. Furthermore, each of the new dependent Claims 30-45 include additional limitations in the form of steps and/or structural restrictions on the steps performed. Therefore, Applicants respectfully submit that new Claims 30-45 are yet further distinguished from the cited art.

For example, Claim 39 includes a set of launch codes used by a driver device in a command sent to the plug-in device. However, the cited references fail to teach or suggest any similar arrangement for sending launch codes for registration activation procedures from a generic driver to a plug-in device specifically tailored for a carrier/service provider.

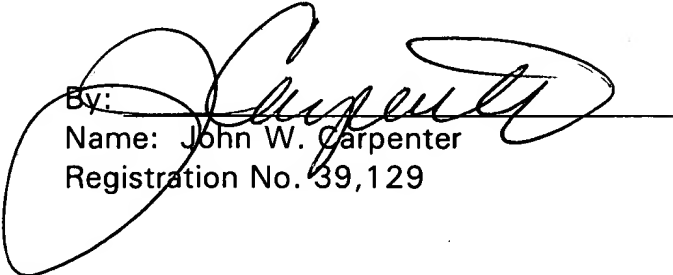
Applicants respectfully note the cited column and line numbers of the *Linden* reference which purportedly describe use of a plug-in. However *Linden*, particularly the cited column and line numbers, only describes various port to port communications, but neither mentions plug-in nor makes any suggestion to do so.

Accordingly, Applicants respectfully submit that new Claims 30-45 are also patentable over the cited art.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,
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